P. F. 32 of 94

G. R. S. IX-5]

Previous references. 1893-94

~~192~~ .

( )

File No. 105 of 93

Serial Nos. 1—5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—5

Major ~~Part~~ B for September 1894

SUBJECT.

Dispute of Maralinga Gowda regarding the Patelikai of Agalaya, Vill. Krishnarajapet Taluk

---

Countermanded ink.

Interest

WD 2233—GPB—20,000—14-6-20

(1)

Order accepted in London which
Order dec'd 12 th Copy in the
last for the Case of the Plaintiff
Court the first Court said that the
joint Trial is to be proceeded with
Action that the proceedings with
then though in very similar
it was not desirable in the interest of fair
would be adverse to do with by
turn ~~the Court Court~~ ~~the decree~~
~~therefore decreed the Writ~~
the first Court therefore dismissed the
relief sought for
In Appeal the Commissioner held that
the case should be disposed of under
Part No. 5 Section 10 207-5 & 5 and the
ordered ~~the Tenancy~~ ~~subsequent~~
~~Demanded the case~~ ordered that the
question of which duties has to adopted
& Act in two Indian Power, the Policy of
the Act in two Indian Power should be decided
be apportioned between them should be decided
the difficulty arises against that order

(General Serial No. 32.)

1894

No. 2[illegible]

Name of Petitioner. Tahsildar Nagapattinam [illegible]

Village. Nagapattinam

Taluk. Nagapattinam

District. South Arcot

Date of Arzi. 25-4-94

Date of Receipt. 25-4-94

Date of Disposal.

No. of Enclosures. one

ABSTRACT.

Appeals against the orders in Revenue
Regular appeal No. 21 of 1893-94 of the Deputy
Commissioner of the Nagore district, against
the decision of the Sub-Divisional officer
Porto Novo in Revenue Suit No. 8 of 92-93.

The grounds of appeal are:-

(1) There is no evidence to support the allegat
of the plaintiff that he & the defendants were
doing the duties of the Tahsildar for the last 3 years.

(2) The plaintiff has not been excluded from
during the term of the Tahsildarship of
alleged, but on the other hand he has been
helped by them to keep up his right.

(3) The plaintiff's suit is time barred.

(4)

Even if the suit is not time-barred there was laches on the part of the plaintiff to institute this suit as the defendant has always been doing the duties since 1963.

15. The Proceedings of the Govt. Referee to lay the Deputy Commissioner in his instance is partly but not completely fulfilled to the present case.

16. The defendant has all along been doing the duties of the Patel, satisfactorily to the higher authorities.

17. The Deputy Commissioner is wrong in saying that the plaintiff is not stated to be incompetent or of a bad character.

18) The Sub-divisional officer has clearly stated that the public interest do not require that the plaintiff should be joined with the defendant in the discharge of the duties of the Patel.

19) The hereditary principle alone is not to be maintained in selecting the village officers to the entire discard of the fitness & capacity of the person to be selected.

20) The decision of the Lower Appellate Court is opposed to Law & the probabilities of the case.

Prays that the decision of the Lower Court may be reversed & that of the original Court restored.

19/11

20/11

(General Serial No. 30.) 348

1894. P.19

From

The Deputy Commissioner
Mysore District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 4th July 1894.

Despatched 9th

Received

Enclosures No. Petition No. 3/00 with its 2 enclosures and Conservancy Proceedings -

General No.
No. 15

Submitting as directed the entire Proceedings regarding the Pôléli of Agalya village, Krishnarajpet Taluk

11/7/94

Pet
1705

215 Pet

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

3

OFFICIAL MEMORANDUM.

The accompanying Petition No. 3106

dated 20th April received at the

Dewan's Office from Circle Sheristadar Court

of Nagar, Nishanagar Taluk

appealing against the rejection by the

Deputy Commissioner, Nagar Division

regarding [illegible]

is forwarded, together with its enc.

enclosures, to the Deputy Commissioner

Nagar Division for comparison

of the enclosed Proceedings relating

to the case

The petition and its enclosures

should be returned

L.R. 105-93-1

5

By Order,

Dy. Secy.

Chief Secretary.

BANGALORE,
May 1893

Ord
2/5

M. G. C. P. Bangalore.—21-11-92—3,000.

No. 15

Enclosures No.
Petition No. 3158 with its 2 Enclosures file.

1

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore, 4th July 1894.

From

A Ranganadam Ayengar Esqre
Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore.

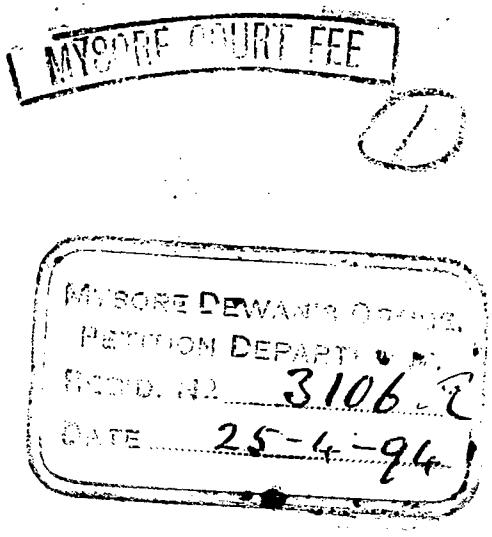
SIR,

With reference to your Cir no Petition 1498 dated 4th May 1894, directing the Submission of the enclosed proceedings regarding the Patéli of Agali a Village Kreshnarajpet Taluk, I have the honor to submit herewith the proceedings as directed.

The Petition and enclosures received with the above are herewith returned.

I have the honor to be
Sir
Your most obedient Servant

A Ranganadam Ayengar
Dy Commissioner
Mysore District



R.S. No. 102
93-94

In the Court of the Commissioner
to H.H. the Maharaja of Mysore
at Bangalore

Appellant (original defendant): Manchige
-gowda, Patel, Agalaya, Krishna
-rajapet Taluk.

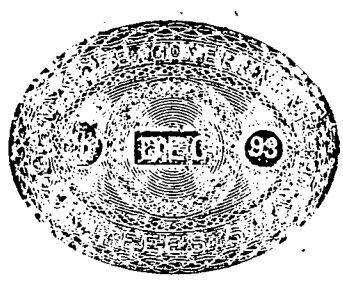
vs

Respondent (original plaintiff): Boregowda
presiding in Agalaya, Krishna
-rajpet Taluk.

The above appellant begs to prefer this appeal against the order in Revenue Regular appeal No 24 of 1893-94 of the Deputy Commissioner of the Mysore District reversing the decision of the Sub-divisional Officer, Krishnarajpet in Revenue Suit No 8 of 92-93.

The grounds of appeal are :-

1. There is no evidence to support the allegation of the plaintiff that he and the defendant were doing the duties of the Patel upto the last 3 years.



10

Appeal No 102 of 1893-94. (5)

Appellant
Linge
ari ~~Range~~ Gonda
Patil of Agale
Krishnarajapur Taluk
Mysore District
represented by
Mr B Ramanna
advocate

Respondent
Bore Gonda.
represented by
Mr Thammiah
advocate

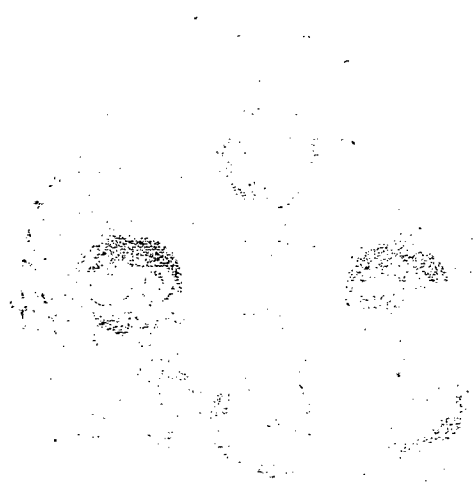
L.R. 105-93-4

Decision

On a suit brought by the Respondent in 1892, for the office of Patil of Agale, the Deputy Commissioner finding that both the Appellant and Respondent who belong to two different families were Hakdars, directed that both of them should be appointed as Patels, and duties divided between them

The appeal is against this Decree.

2. Appellant admits that Respondent is a Hakdar, but contends that he is not entitled to hold the office claimed, as he did duties only for a short time in 1880-81, and not continuously. This contention is inadmissible The case is not barred by the Law of Limitation, and the Respondents' right to the office is not disputed. The decision of the Deputy Commissioner, which is in accordance with Government Proceedings dated 3rd January 1894 No $\frac{1026\text{-}75}{1055}$,



13

(6)

LR 105-985

3106

4-1-94

9

2. The plaintiff has never been excluded from doing the work by the Talati authorities as he alleges, but on the other hand he was induced by them to keep up his right.

3. The plaintiff's suit is time-barred.

4. Even if the suit is not time-barred, that has been before the suit of the plaintiff to institute this suit, as the defendant has always been doing the duties since 1873.

5. The provisions of the Government referred to in the Deputy Commissioner's order in judgment is partly but not completely applicable to the present case.

6. The defendant has all along been doing the duties of the Patel satisfactorily to the legal authorities.

7. The Deputy Commissioner is wrong in saying that the plaintiff is not stated to be incompetent or of a bad character.

8. The Subdivisional Officer has clearly stated that the public interest do not require that the plaintiff should be joint with the defendant in the discharge of the duties of the Patel.

9. The hereditary principle alone is not to be maintained in selecting the village officers to the entire discard of the fitness and capacity of the person to be selected.

10. The decision of the lower Appellate Court is opposed to law and the proba-bilities of the case.

The Appellant prays that for the above reasons the decision of the lower Appellate Court may be reversed and that of the original court restored.

Dated Bangalore 25th April 1905.

B Ramiah
Appellant's Advocate.

12

is, therefore, hereby confirmed,
and the appeal is dismissed.

CP
28/11/94

(By Order)
29 Aug
Chief Secretary

3751
A 28-8-94
5/9.
Tr Pol Fs 32-94

Copy forwarded to
Resp. Comm. Mysore
District returning re
original records received with his No. dated 2 Feb 1894.

Endorsement

Petitioner is informed
that his appeal has
been dismissed.

CP
(B-O)

Chief Secy

CJ 29/8

Put in abstract
CJ 4/9

attested